IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10920 of 1998

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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G S R T CORPORATION - Petitioner(s)

Versus

RAMJIBHAI BAPUBHAI PARMAR - Respondent(s)

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Appearance :

MR YOGESH S LAKHANI for Petitioner No(s).: 1.

RULE SERVED for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 19/07/2005

ORAL JUDGMENT

1.0 The petitioner Corporation has challenged the award dated 31.12.1997 passed by the Labour Court, Surat, in

Reference (LCS) No.591 of 1996, whereby the said reference was allowed.

2.0 The brief facts of the case are that the respondent was working as a Conductor with the petitioner Corporation. On 05.04.1995 charge-sheet was issued to the respondent on an allegation of misappropriating the amounts received from the issuance of tickets. Therefore, departmental inquiry was held against him. Since the charges were proved, he was dismissed from service.

2.1 Being aggrieved by the order of dismissal, the respondent raised an industrial dispute before the Labour Court, Surat, by way of a reference. The Labour Court, by impugned order dated 31.12.1997, partly allowed the said reference. Hence, this petition.

3.0 I have heard learned counsel for the petitioner and perused the documents placed on record. Though served none appears on behalf of the respondent. On 09.12.1999, by way of interim relief, this Court had stayed the operation of the impugned order. The Labour Court, while substituting the order of dismissal, has granted reinstatement with continuity of service but without back

wages. In my opinion, the reasonings given by the Labour Court while granting the respondent reinstatement with continuity in service but without back wages are just and proper. However, looking to the past record of the respondent and considering the fact that he was dismissed on two earlier occasions, but, was reinstated only with a view to provide him an opportunity to improve his conduct, I am of the opinion that the penalty imposed on the respondent is on the lighter side.

4.0 In above view of the matter, the impugned order of the Labour Court is modified to the extent below. The direction qua granting reinstatement with continuity in service without back wages is confirmed and the direction qua imposing a penalty of stoppage of three increments with future effect is substituted by imposing a penalty of stoppage of FIVE increments with future effect. With the above modification, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

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